



4325.1: GRIEVANCE PROCEDURE

I. Any employee who has a grievance not otherwise covered by a grievance procedure included within a collective bargaining agreement or other specific grievance procedure (except for claims of sexual harassment) shall use the procedure set forth in this Rule. Complaints regarding sexual harassment shall follow the procedures of District Rule 4001.3. The District shall consider the grievance abandoned and moot if the grievant fails to comply with the requirements and time limitations set forth in this Rule.

II. The purpose of a grievance procedure is to resolve, as quickly as possible, problems which may arise concerning conditions of employment of District personnel. Nothing in this procedure will be construed as limiting the right of any employee having a grievance to discuss the matter informally with the employee's administrator or immediate supervisor. Employees are encouraged to discuss a contemplated grievance informally with his or her administrator or immediate supervisor prior to filing a grievance.

III. At any stage of the grievance procedure, a grievant may select another person or an employee organization to assist the grievant with the grievance and to appear with and as a representative of the grievant at any step in the grievance procedure. No reprisals of any kind shall be taken against any employee who utilizes the District's grievance procedure or any other personnel participating in the grievance procedure.

IV. This grievance procedure shall not apply to a certificated employee's suspension without pay, or a proposed non-renewal, cancellation, termination, reduction in force, or amendment of a certificated employee's contract all of which shall be administered in accordance with Nebraska Law and shall be specifically exempt from this grievance procedure.

V. Information relating to an individually identifiable student or employee will only be disclosed to the person or persons filing the complaint or grievance, his or her designated representative or to other designated persons, provided such disclosure is allowed by law and in accordance with District policies and rules.

VI. The time limits in these procedures are for the purpose of insuring prompt action. If an employee does not pursue the next step of a procedure within the time period specified, it shall constitute an abandonment of the grievance. If an investigating administrator does not respond within the time period specified, the employee may proceed to the next level of the grievance procedure. Nothing in this Rule shall prohibit the Associate Superintendent of Human Resources and the employee from jointly agreeing in writing to extend time lines set forth in this Rule.

VII. Procedure

A. Step 1: An employee shall, within ten (10) working days after the occurrence of the event or condition which is the subject of the grievance or the last of a series of events and conditions which constitute the grievance, make an appointment with and meet and discuss the matter with his/her immediate supervisor. In the event that the immediate supervisor is the subject of the grievance, the employee shall, within the same ten (10) working day time limitation, proceed to Step 2 of the procedure. Every effort will be made to resolve the grievance informally at this level. The immediate supervisor shall give the employee an oral response within ten (10) working days of such meeting. Due to the importance of resolving the grievance at this level, the meeting with the supervisor is important and essential, and the failure of the employee to attend such a meeting will constitute an abandonment of the grievance.

B. Step 2: If the employee is not satisfied with the resolution of the grievance at Step 1, he or she may formalize the grievance by filing a formal written grievance with the Associate Superintendent of Human Resources within five (5) working days after the supervisor's oral response at Step 1.

1. The written grievance must be signed, contain a complete statement of the facts constituting the grievance, and state the relief sought and why the response at Step 1 was not acceptable.

2. The Associate Superintendent of Human Resources will notify the supervisor that he or she has received such a formal written grievance and will forward the formal written grievance to the supervisor. The supervisor shall, within five (5) working days of receipt of the formal grievance, create a written response and forward the written response to the employee and to the Associate Superintendent of Human Resources.

3. Upon receipt of the formal written grievance and the supervisor's written response, the Associate Superintendent of Human Resources shall investigate the grievance. As part of the investigation, the Associate Superintendent of Human Resources may meet with the employee and undertake such investigation as the Associate Superintendent of Human Resources deems appropriate. The Associate Superintendent of Human Resources may, in his or her discretion, designate another District administrator, other than any previously involved supervisor, or administrator, to conduct the investigation and grievance resolution when appropriate.

4. The Associate Superintendent of Human Resources or his/her designee shall complete a written report and provide the employee with a copy of such written report within ten (10) working days of receiving the formal written grievance and the supervisor's written response. Such written report shall summarize the facts, the determinations made, and, to the extent permissible, any corrective actions to be implemented.

C. Step 3: If the employee is not satisfied with the resolution of the grievance at Step 2, he/she may appeal to the District's Superintendent by filing a formal written appeal with the Superintendent within five (5) working days after receipt of the written report by the Associate Superintendent of Human Resources.

1. The written appeal must be signed, contain a complete statement of the facts constituting the grievance and appeal, state the relief sought, and the reason the previous resolution was not acceptable.

2. Upon receipt of the formal written appeal, the Superintendent may, if he/she deems it necessary, investigate the grievance appeal. As part of any such investigation, The Superintendent may, in his or her sole discretion, designate another District administrator, other than any previously involved administrators, to conduct the investigation and grievance appeal resolution when appropriate.

3. The Superintendent or designee shall complete a written decision and provide the grievant employee with a copy of such written decision within ten (10) working days of receiving the formal Step 3 written appeal. Such decision shall summarize the facts, the determinations made, and, to the extent permissible, any corrective actions to be implemented. The Superintendent's decision and any action taken shall be final.

D. Definitions:

1. "Grievance" shall mean a claim based upon an event or condition which concerns the terms and conditions of employment. Employee complaints regarding unlawful discrimination or unlawful harassment (except sexual harassment) shall follow the procedures of District Rule 4001.2.

2. "Grievant" shall mean the employee or employees claiming a grievance.

3. "Interested party" shall mean any employee or group of employees who may be directly and materially affected by the decision of the grievance.

4. "Working days" shall mean: (i) days when school is in session for students during the school year; and (ii) all weekdays when school is in recess for summer vacation, excluding any national holidays.

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May 20, 1985

November 17, 1986

August 16, 1993

March 18, 2002

December 21, 2009

September 20, 2010

July 2, 2012

July 9, 2018

November 16, 2020

Related Policies and Rules

[4001: Non-Discrimination and Harassment](#)

[4001.1: Non-Discrimination and Harassment](#)

[4001.2: Non-Discrimination and Harassment Complaint Procedure](#)

[4001.3: Sexual Harassment Complaint Procedure](#)

[4325: Grievances](#)